

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 12-41307

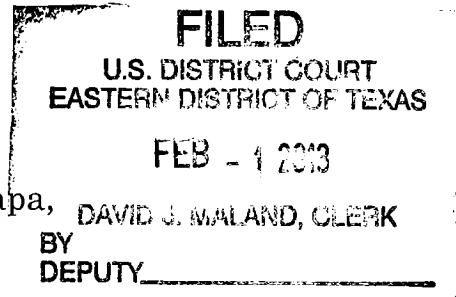
UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

HERIBERTO FRANCO, also known as La Papa,

Defendant - Appellant



Appeal from the United States District Court for the
Eastern District of Texas, Sherman

CLERK'S OFFICE:

Under FED. R. APP. P. 42(b), the appeal is dismissed as of January 18, 2013, pursuant to appellant's motion.

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

By: *Jim deMontluzin*
James deMontluzin, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

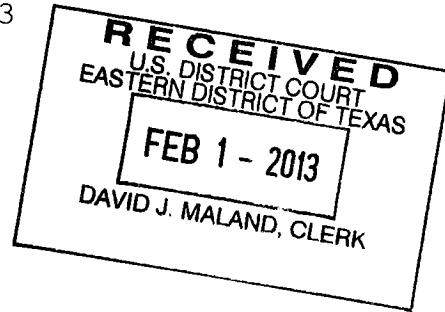
United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

January 18, 2013

Mr. David Maland
101 E. Pecan Street
Federal Building
Room 216
Sherman, TX 75090-0000




No. 12-41307, USA v. Heriberto Franco
USDC No. 4:11-CR-79-18

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

By: 
James deMontluzin, Deputy Clerk
504-310-7679

cc w/encl:
Mr. Ernest Gonzalez
Mr. Jeffrey C. Grass